

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEWART D. BROWN,

Plaintiff,

v.

Case No. 19-cv-1762-bhl

JOHN DOE MEDICAL OFFICIAL and
JANE DOE MEDICAL OFFICIAL,

Defendants.

DECISION AND ORDER

On December 18, 2020, the Court screened pro se plaintiff Stewart Brown's amended complaint and allowed him to proceed on Eighth Amendment claims against an unidentified doctor and nurse, who Brown asserts he repeatedly spoke to about his need for prostate cancer treatment. Dkt. No. 18 at 2. The Court instructed Brown to use discovery to learn the Doe Defendants' names.

On January 25, 2021, Brown filed a notice identifying the John Doe as Dr. So and the Jane Doe as Branda Lemberger. Dkt. No. 28. Brown's notice also includes the names of another doctor and two other nurses, but Brown's amended complaint includes allegations only about his interactions with one doctor and one nurse. In his amended complaint, he alleges that the doctor and nurse conferred with Dr. Welsch about the timing of his treatment. Brown's notice states that Dr. Welsch contacted Dr. So and Nurse Lemberger, so the Court will update the caption to reflect their names.

The Court also will transmit Brown's amended complaint to the U.S. Marshals Service for service on Defendants. The marshals are busy, so it may take some time for them to serve Defendants. The Court encourages Brown to be patient. After Defendants have an opportunity to respond to Brown's amended complaint, the Court will enter a scheduling order setting deadlines for the completion of discovery and the filing of dispositive motions. Brown may not serve discovery requests on Defendants until *after* the Court enters a scheduling order.

IT IS THEREFORE ORDERED that Brown's motion to identify the Doe Defendants (Dkt. No. 28) is **GRANTED**. The Court will update the caption to reflect that the name of the John Doe Medical Official is Dr. So and the name of the Jane Doe Medical Official is Branda Lemberger.

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the amended complaint (Dkt. No. 15), the screening order (Dkt. No. 18), and this order upon Defendants pursuant to Federal Rule of Civil Procedure 4. Brown is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. §1921(a). The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§0.114(a)(2)-(3). Although Congress requires the Court to order service by the U.S. Marshals Service precisely because *in forma pauperis* plaintiffs are indigent, it has not made any provision for these fees to be waived either by the Court or by the U.S. Marshals Service. The Court is not involved in the collection of the fee.

IT IS FURTHER ORDERED that Defendants shall file a responsive pleading to the amended complaint.

IT IS FURTHER ORDERED that the parties may not begin discovery until after the Court enters a scheduling order setting deadlines for discovery and dispositive motions.

Dated at Milwaukee, Wisconsin this 28th day of January, 2021.

BY THE COURT:

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge